

remanufacture by melting, or processing by shredding, shearing, compacting, or similar processing which rendered the articles fit only for the recovery of the metal content. In appropriate cases, the remanufacture or processing of the articles covered by more than one entry may be included in one statement. The statement shall be based on adequate and carefully kept plant and import records which shall be available during normal business hours to any Customs officer. The importer and plant manager shall maintain the import and plant records for 5 years from the date of the related entry of the merchandise. The burden shall be on the importer or plant manager to keep these records so that the claim of actual use can be established readily.

(d) If satisfactory proof of use of the articles in remanufacture by melting, or in processing by shredding, shearing, compacting, or similar processing which rendered them fit only for the recovery of the metal content, is furnished within the prescribed time, the entry shall be liquidated without the assessment of duty on the covered articles. If proof is not filed within 3 years from the date of entry, or withdrawal from warehouse for consumption, or the use does not warrant the classification claimed, the entry shall be liquidated without any exemption from duty under subheading 9817.00.80 or 9817.00.90, HTSUS.

As used in this section, the phrase “in connection with the entry” means any time before liquidation of the entry or within the period during which a reliquidation may be completed (§113.43(c)). Therefore, a claim for free entry under subheading 9817.00.80 or 9817.00.90, HTSUS, supported by a statement of intent may be filed at any time before liquidation of the entry or within the period during which a valid reliquidation may be completed.

(R.S. 251, as amended, secs. 623, as amended, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

[T.D. 80-151, 45 FR 38041, June 6, 1980, as amended by T.D. 84-213, 49 FR 41170, Oct. 19, 1984; T.D. 87-75, 52 FR 20067, May 29, 1987; T.D. 89-1, 53 FR 51255, Dec. 21, 1988; T.D. 95-81, 60 FR 52295, Oct. 6, 1995]

## PART 101—GENERAL PROVISIONS

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AUTHORITY: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1623, 1624, 1646a.

Section 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b;

Section 101.5 also issued under 19 U.S.C. 1629;

Section 101.9 also issued under 19 U.S.C. 1411-1414.

SOURCE: T.D. 77-241, 42 FR 54937, Oct. 12, 1977, unless otherwise noted.

### § 101.0 Scope.

This part sets forth general regulations governing the authority of Customs officers, and the location of Customs ports of entry, service ports and Customs stations. It further sets forth regulations concerning the entry and clearance of vessels at Customs stations and a listing of Customs preclearance offices in foreign countries. In addition, this part contains provisions concerning the hours of business of Customs offices, the Customs seal, and the identification cards issued to Customs officers and employees.

[T.D. 77-241, 42 FR 54937, Oct. 12, 1977, as amended by T.D. 99-27, 64 FR 13675, Mar. 22, 1999]

### § 101.1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless either the context in which they are used requires a different meaning or a different definition is prescribed for a particular part or portion thereof:

*Business day.* A “business day” means a weekday (Monday through Friday), excluding national holidays as specified in §101.6(a).



*Customs station.* A “Customs station” is any place, other than a port of entry, at which Customs officers or employees are stationed, under the authority contained in article IX of the President’s Message of March 3, 1913 (T.D. 33249), to enter and clear vessels, accept entries of merchandise, collect duties, and enforce the various provisions of the Customs and navigation laws of the United States.

*Customs territory of the United States.* “Customs territory of the United States” includes only the States, the District of Columbia, and Puerto Rico.

*Date of entry.* The “date of entry” or “time of entry” of imported merchandise shall be the effective time of entry of such merchandise, as defined in § 141.68 of this chapter.

*Date of exportation.* “Date of exportation” or “time of exportation” shall be as defined in § 152.1(c) of this chapter.

*Date of importation.* “Date of importation” means, in the case of merchandise imported otherwise than by vessel, the date on which the merchandise arrives within the Customs territory of the United States. In the case of merchandise imported by vessel, “date of importation” means the date on which the vessel arrives within the limits of a port in the United States with intent then and there to unlade such merchandise.

*Duties.* “Duties” means Customs duties and any internal revenue taxes which attach upon importation.

*Entry or withdrawal for consumption.* “Entry or withdrawal for consumption” means entry for consumption or withdrawal from warehouse for consumption.

*Exportation.* “Exportation” means a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The shipment of merchandise abroad with the intention of returning it to the United States with a design to circumvent provisions of restriction or limitation in the tariff laws or to secure a benefit accruing to imported merchandise is not an exportation. Merchandise of foreign origin returned from abroad under these circumstances is dutiable according to its

nature, weight, and value at the time of its original arrival in this country.

*Importer.* “Importer” means the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be:

- (1) The consignee, or
- (2) The importer of record, or
- (3) The actual owner of the merchandise, if an actual owner’s declaration and superseding bond has been filed in accordance with § 141.20 of this chapter, or
- (4) The transferee of the merchandise, if the right to withdraw merchandise in a bonded warehouse has been transferred in accordance with subpart C of part 144 of this chapter.

*Port and port of entry.* The terms “port” and “port of entry” refer to any place designated by Executive Order of the President, by order of the Secretary of the Treasury, or by Act of Congress, at which a Customs officer is authorized to accept entries of merchandise to collect duties, and to enforce the various provisions of the Customs and navigation laws. The terms “port” and “port of entry” incorporate the geographical area under the jurisdiction of a port director. (The Customs ports in the Virgin Islands, although under the jurisdiction of the Secretary of the Treasury, have their own Customs laws (48 U.S.C. 1406(i)). These ports, therefore, are outside the Customs territory of the United States and the ports thereof are not “ports of entry” within the meaning of these regulations).

*Principal field officer.* A “principal field officer” is an officer in the field service whose immediate supervisor is located at Customs Service Headquarters.

*Service port.* The term “service port” refers to a Customs location having a full range of cargo processing functions, including inspections, entry, collections, and verification.

*Shipment.* “Shipment” means the merchandise described on the bill of lading or other document used to file



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or support entry, or in the oral declaration when applicable.

[T.D. 77-241, 42 FR 54937, Oct. 12, 1977, as amended by T.D. 84-213, 49 FR 41170, Oct. 19, 1984; 49 FR 44867, Nov. 9, 1984; T.D. 94-51, 59 FR 30294, June 13, 1994; T.D. 95-77, 60 FR 50011, Sept. 27, 1995; T.D. 99-57, 64 FR 40987, July 28, 1999]

### § 101.2 Authority of Customs officers.

(a) *Supremacy of delegated authority.* Action taken by any person pursuant to authority delegated to him by the Secretary of the Treasury, whether directly or by subdelegation, shall be valid despite the existence of any statute or regulation, including any provision of this chapter, which provides that such action shall be taken by some other person. Any person acting under such delegated authority shall be deemed to have complied with any statute or regulation which provides or indicates that it shall be the duty of some other person to perform such action.

(b) *Consolidation of functions.* Any reorganization of the Customs Service or consolidation of the functions of two or more persons into one office which results in the failure of a designated Customs officer to perform an action required by statute or regulation, shall not invalidate the performance of that action by any other Customs officer.

(c) *Customs supervision.* Whenever anything is required by the regulations in this chapter or by any provision of the customs or navigation laws to be done or maintained under the supervision of Customs officers, such supervision shall be carried out as prescribed in the regulations of this chapter or by instructions from the Secretary of the Treasury or the Commissioner of Customs in particular cases. In the absence of a governing regulation or in-

struction, supervision shall be direct and continuous or by such occasional verification as the principal Customs field officer shall direct if such officer shall determine that less intensive supervision will ensure proper enforcement of the law and protection of the revenue. Nothing in this section shall be deemed to warrant any failure to direct and furnish required supervision or to excuse any failure of a party in interest to comply with prescribed procedures for obtaining any required supervision.

[T.D. 77-241, 42 FR 54937, Oct. 12, 1977, as amended by T.D. 98-22, 63 FR 11825, Mar. 11, 1998]

### § 101.3 Customs service ports and ports of entry.

(a) *Designation of Customs field organization.* The Deputy Assistant Secretary (Regulatory, Tariff, and Trade Enforcement), pursuant to authority delegated by the Secretary of the Treasury, is authorized to establish, rearrange or consolidate, and to discontinue Customs ports of entry as the needs of the Customs Service may require.

(b) *List of Ports of Entry and Service Ports.* The following is a list of Customs Ports of Entry and Service Ports. Many of the ports listed were created by the President's message of March 3, 1913, concerning a reorganization of the Customs Service pursuant to the Act of August 24, 1912 (37 Stat. 434; 19 U.S.C. 1). Subsequent orders of the President or of the Secretary of the Treasury which affected these ports, or which created (or subsequently affected) additional ports, are cited following the name of the ports.

(1) *Customs ports of entry.* A list of Customs ports of entry by State and the limits of each port are set forth below:

Ports of entry	Limits of port
<b>Alabama</b>	
Birmingham	
Huntsville .....	T.D. 83-196.
Mobile .....	Including territory described in T.D. 76-259.
<b>Alaska</b>	
Alcan .....	T.D. 71-210.
Anchorage .....	T.D.s 55295 and 68-50.
Dalton Cache .....	T.D. 79-74.
Fairbanks .....	E.O. 8064, Mar. 9, 1939 (4 FR 1191).